United Nations Convention on the Law of the Sea SPLOS/196

# Meeting of States Parties

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## Proposal for the inclusion of a supplementary item in the agenda of the nineteenth Meeting of States Parties

### Note verbale dated 21 May 2009 from the Permanent Mission of China to the United Nations addressed to the Secretary-General

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Secretary-General of the United Nations and, with respect to the forthcoming nineteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea, has the honour to propose, in accordance with rule 7 of the rules of procedure, the inclusion in the agenda of a supplementary item entitled "International Seabed Area as the common heritage of mankind and article 121 of the United Nations Convention on the Law of the Sea", and to request that the present note and attached explanatory note be circulated.

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## Annex

### Explanatory note

1. By 13 May 2009, the Commission on the Limits of the Continental Shelf had received 50 submissions and 39 preliminary information from relevant coastal States concerning the outer limits of the continental shelf beyond 200 nautical miles, in accordance with the provisions of the United Nations Convention on the Law of the Sea and relevant decisions of the Meeting of States Parties to the Convention. The seabed and ocean floor and subsoil beyond the continental shelf of coastal States are the International Seabed Area as the common heritage of mankind. Therefore, to determine the outer limits of the extended continental shelf is at the same time to clarify the scope of the Area, which is of great importance to the overall interests of the international community in the Area.

2. Article 300 of the Convention expressly stipulates that "States Parties shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights, jurisdiction and freedom recognized in this Convention in a manner which would not constitute an abuse of right". Therefore, in submissions concerning the outer limits of the continental shelf, the coastal States should comply fully with the Convention, taking into account the overall interests of the international community, and should not interpret the Convention in a biased way, nor put their own interests above the overall interests of the international community, nor encroach upon the Area as the common heritage of mankind.

3. In the submissions received by the Commission, most States have abided by the provisions of the Convention, and made serious efforts to safeguard the overall interests of the international community when claiming their rights. However, there is also some case in which the Convention is not abided by, for example, claims on the continental shelf within and beyond 200 nautical miles with an isolated rock in the ocean as base point. Recognition of such claim will set a precedent which may lead to encroachment upon the high seas and the Area on a larger scale. Therefore, the international community should express serious concerns on this issue.

4. In accordance with Article 121(3) of the Convention, rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf. How to implement this provision relates to the interpretation and application of important principles of the Convention, and the overall interests of the international community, and is a key issue for the proper consideration of relevant submission concerning the outer limits of the continental shelf, and the safeguarding of the common heritage of mankind.

5. China holds that this meeting of the States Parties to the Convention should be taken as an opportunity to consider the issue of claiming extended continental shelf with a rock as base point and its legal implication under Article 121 of the Convention, and to discuss how to strengthen the protection of the Area as the common heritage of mankind. In this regard, some appropriate guidelines are needed for the work of the international bodies established under the Convention.